



United States
Department of
Agriculture

Agricultural
Marketing
Service

Stop 0253-Room 2610-S
1400 Independence Avenue, SW
Washington, DC 20250

AMENDMENT 1 TO ANNOUNCEMENT LS-127

MAY 2006

PURCHASE OF TUNA PRODUCTS FOR DISTRIBUTION TO CHILD NUTRITION AND OTHER FEDERAL FOOD AND NUTRITION PROGRAMS

This amendment is issued to: (1) modify Section I.C., Offer Prices and Evidence of Delivery; (2) modify Section I.D.3., Responsibility; (3) reflect changes in Section I.D.4., Food Defense Requirements; (4) modify Section I.G., Dolphin Safe; (5) change section numbers for Section II, Service of Protest and Section III, Submission of Offers; (6) change Section III. E.4., Certifications; (7) change Section III., Acceptance of Offers; (8) modify address in Section XI. Inquiries; and, (9) provide a new Exhibit F purchase schedule.

Please add "Amendment 1" to all references of "Announcement LS-127" and "Announcement".

Section I.C. Offer Prices and Evidence of Delivery

Please insert the following after the fourth paragraph:

"All delivery units--trucklot and less-than-trucklot (LTL) quantities--must be secured at all times prior to unloading with tamper proof, tamper resistant, serially numbered, high security seals that meet the ISO 17712 standard. Failure to seal or maintain the delivery unit under seal in accordance with these requirements may subject the shipment to rejection.

The contractor must maintain a record of each seal number used for trucklot and LTL delivery units. Additionally, the contractor must ensure that the applicable seal identification number is on each bill of lading, shipment manifest, or other delivery documents for each delivery destination.

When LTL delivery units are transported on the same trailer or railcar and destined for multiple recipients, the trailer or railcar must be sealed after each delivery. The seal number must be recorded on the appropriate delivery documents and correspond with the applied seal at the time of arrival at the next destination. It will be the responsibility of the contractor to provide a sufficient number of seals and ensure that the carrier service (truck or rail) secures the trailer or railcar after each delivery destination. Failure to seal the trailer or railcar after each stop may subject the shipment to rejection at the next scheduled stop and rejection of any subsequent deliveries on the trailer or railcar.

The ISO 17712 standard can be obtained through the following websites: 1) American National Standards Institute: <http://webstore.ansi.org/ansidocstore/iso.asp?> or 2) International Organization for Standardization: <http://www.iso.org/iso/en/CatalogueListPage.CatalogueList.>"

Section I.D.3. Responsibility

Delete the last sentence of the first paragraph and insert the following:

Facilities used in fulfilling USDA contracts must be operating in accordance with the applicable Food and Drug Administration (FDA) regulations and under NMFS Type I Inspection, which may include Integrated Quality Assurance (IQA) or Hazard Analysis Critical Control Point (HACCP) Quality Management Program (HACCP-QMP) or Type II, Lot Inspection.

Section I.D.4. Food Security Requirements

All references to “Food Security” including the title should be changed to “Food Defense”.

Delete the paragraph in its entirety and replace with:

“The contractor must have a documented and operational food defense plan that provides for the security of a plant’s production processes, which includes the storage and transportation of pre-production raw materials and other ingredients and post-production finished products. The plan shall address the following areas: 1) food defense plan management; 2) outside and inside security of the production and storage facilities; 3) slaughter and processing, including all raw material sources; 4) controlled access to production and storage areas; 5) storage; 6) water and ice supply; 7) mail handling; 8) personnel security; and 9) transportation, shipping, and receiving (includes the sealing of any transport conveyance for trucklot and less-than-trucklot quantities of finished product).

The food defense plans will be audited by the NMFS at least once per quarter. At the discretion of the Contracting Officer, more frequent audits may be conducted when audit deficiencies are detected. See FSIS Security Guidelines for Food Processors: <http://www.fsis.usda.gov/OA/topics/SecurityGuide.pdf> Information on the transportation and distribution of meat, poultry, and egg products is located at: <http://www.fsis.usda.gov/oa/topics/transportguide.htm>.”

Section I.G. Dolphin Safe

Delete the first paragraph and replace with the following:

Tuna will be caught so as to be in compliance with the Marine Mammal Protection Act and will meet the “Dolphin Safe” labeling standard of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385).

Section II. Service of Protest and Section III. Submission of Offers

Change Section II, Service of Protest to Alphabet I. and Section III., Submission of Offers to Section II. Submission of Offers.

Section III. E. Section 4--Certifications

Certification 2, delete and replace with:

2. By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-127, Amendment 1; Appendix-1; Inv.__; Exhibit A, dated April 2005; USDA-1, Rev. 2, and Amds. 1, 2, 3, and 4; and the Federal Acquisition Regulations (both boxes must be selected).

- ☐ HAS
- ☐ DOES

Section III. Acceptance of Offers

Delete the last three sentences of first paragraph and insert the following:

“A notice of award will also be issued in the form of a Food Purchase Report (FPR) posted on the **Livestock and Seed Program, USDA, AMS Commodity Procurement Home Page** (see attached Notice), after 1:00 p.m., **Central time** on the day of acceptance. Information on awards will be available by telephone to offerors and interested parties promptly following the posting of the FPR. Inquiries may also be made to a USDA, AMS Market News office or the Contracting Officer.”

Section XI. Inquiries

Delete address for Director, Western Regional Inspection Office, Bell, California and replace with:

Chief, Western Regional Inspection Office
National Seafood Inspection Program
DOC-NOAA-NMFS
7600 Sand Point Way NE Bldg 32
Seattle, WA 98115

Telephone: (206) 526-4259

Exhibit

Delete Exhibit F table and replace with the table shown below:

INV. NO.	TYPE/UNITS	BID OPENING	AWARD NLT DATE	PRODUCTION	SHIPPING PERIOD
09	Canned Tuna (12 ounce)	05/23/06 (Tuesday)	05/26/06	7 WEEKS	07/16-31/06 08/01-15/06 08/16-31/06 09/01-15/06 09/16-30/06
10	Canned Tuna (12 ounce)	07/28/06	08/04/06	8 WEEKS	10/01-15/06 10/16-31/06 11/01-15/06 11/16-30/06 12/01-15/06 12/16-31/06
11	Canned Tuna/Pouch Tuna (66.5 ounce)	09/08/06	09/15/06	8 WEEKS	11/16-30/06 12/01-15/06 12/16-31/06 01/01-15/07 01/16-31/07 02/01-15/07 02/16-28/07 03/01-15/07 03/16-31/07
12	Canned Tuna (12 ounce)	10/13/06	10/20/06	10 WEEKS	01/01-15/07 01/16-31/07 02/01-15/07 02/16-28/07 03/01-15/07 03/16-31/07
13	Canned Tuna (12 ounce)	01/19/07	01/26/07	9 WEEKS	04/01-15/07 04/16-30/07 05/01-15/07 05/16-31/07 06/01-15/07 06/16-30/07

This amendment is effective with offers submitted on or after May 18, 2006.

/s/ William T. Sessions (5/11/06)

William T. Sessions
Associate Deputy Administrator
Livestock and Seed Program